

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**NO. 7:19-cv-09609-NSR**

**STEPHEN WITT,  
DORRETH E. WITT,  
COMMISSIONER OF THE ORANGE COUNTY  
DEPARTMENT OF SOCIAL SERVICES,  
JOHN DOE, MARY ROE, and XYZ CORPORATION**

**Defendants.**

-----X  
**ANSWER**

Defendant, **DORRETH E. WITT**, by and through her attorney, BRIAN  
FETZKO, ESQ., hereby answers the Plaintiff's Complaint as follows:

1. Paragraph 1 asserts a legal conclusion to which no response is necessary.
2. Admits the allegations set forth in Paragraph 2 of the Complaint.
3. Admits the allegations set forth in Paragraph 3 of the Complaint.
4. Admits the allegations set forth in Paragraph 4 of the Complaint.
5. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 5.
6. Denies the allegations set forth in Paragraph 6 of the Complaint.
7. Denies the allegations set forth in Paragraph 7 of the Complaint.
8. Denies the allegations set forth in Paragraph 8 of the Complaint.
9. Denies the allegations set forth in Paragraph 9 of the Complaint.
10. Denies the allegations set forth in Paragraph 10 of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 11.
12. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 12.
13. Denies the allegations set forth in Paragraph 13 of the Complaint.
14. Denies the allegations set forth in Paragraph 14 of the Complaint.
15. Denies the allegations set forth in Paragraph 15 of the Complaint.
16. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 16.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

17. Plaintiff has failed to state a cause of action upon which relief may be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

18. Plaintiff's action is barred, in whole or in part, by the applicable statute of limitations.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

19. Plaintiff lacks standing to bring this action as it is not the proper owner nor a party in interest of the mortgage and note.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

20. This Court lacks jurisdiction over this action due to improper service of the Summons and Complaint upon Defendant.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

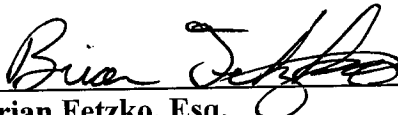
21. Plaintiff has failed to furnish Defendant with proper notices as mandated by RPAPL Section 1304.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

22. Plaintiff has failed to to comply with RPAPL Section 1306 in that it has failed to make a filing with the Department of Financial Services in relation to this action.

**WHEREFORE**, Defendant, DORRETH E. WITT, requests that Plaintiff's Complaint be dismissed in its entirety and award Defendant the costs, disbursements, and attorney's fees incurred by Defendant in defending this action and for such other and further relief as this Honorable Court deems just and proper.

Dated: Middletown, NY  
November 16, 2019

  
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**Brian Fetzko, Esq.**  
**Fetzko Law Offices, P.C.**  
**Attorney for Defendant, DORRETH E. WITT**  
**12 Evergreen Drive, Suite 102**  
**Middletown, NY 10940**  
**845-775-4363**